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THIS MESSAGE HAS 5 PAGES INCLUDING THIS SHEETTO: Commissioner of PatentsFAX NO.: (571) 273-8300FROM: Kin-Wah Tong, Esq.DATE: September 11, 2006MATTER: U.S. Serial No.: 10/686,216 Filed October 15, 2003DOCKET NO.: YOR920030431US1APPLICANT: Hamann, et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

☒ (2) Notice of Appeal	☒ Transmittal Letter (2 copies)
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dated September 11, 2006**CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8**I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 9/11/06, Facsimile No. (571) 273-8300.Tara Carter
Name of person signing this certificateSeptember 11, 2006
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PTO/SB/21 (08-04)

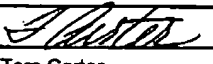
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/686,216
	Filing Date	October 15, 2003
	First Named Inventor	Hendrik F. Hamann
	Art Unit	2883
	Examiner Name	Hughes, James P.
Total Number of Pages in This Submission	Attorney Docket Number	YOR920030431US1

ENCLOSURES (check all that apply)		
☐ Fee Transmittal Form ☐ Fee Attached ☐ Amendment ☐ After Final ☐ Affidavits/declaration(s) ☐ Extension of Time Request ☐ Express Abandonment Request ☐ Information Disclosure Statement ☐ Certified Copy of Priority Document(s) ☐ Reply to Missing Parts/ Incomplete Application ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53	☐ Drawing(s) ☐ Licensing-related Papers ☐ Petition ☐ Petition to Convert to a Provisional Application ☐ Power of Attorney, Revocation Change of Correspondence Address ☒ (2) Terminal Disclaimer(s) ☐ Request for Refund ☐ CD, Number of CD(s) ____ ☐ Landscape Table on CD	☐ After Allowance Communication to TC ☐ Appeal Communication to Board of Appeals and Interferences ☒ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) ☐ Proprietary Information ☐ Status Letter ☒ Other Enclosure(s) (please identify below): Facsimile Transmission
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Patterson & Sheridan, LLP		
Signature			
Printed Name	Kin-Wah Tong, Esq.		
Date	September 11, 2006	Reg. No.	39,400

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Signature			
Typed or printed name	Tara Carter	Date	September 11, 2006

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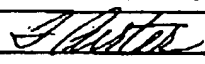
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/686,216	RECEIVED CENTRAL FAX CENTER SEP 11 2006
	Filing Date	October 15, 2003	
	First Named Inventor	Hendrik F. Hamann	
	Art Unit	2883	
	Examiner Name	Hughes, James P.	
Total Number of Pages in This Submission	Attorney Docket Number	YOR920030431US1	

ENCLOSURES (check all that apply)		
☐ Fee Transmittal Form ☐ Fee Attached ☐ Amendment ☐ After Final ☐ Affidavits/declaration(s) ☐ Extension of Time Request ☐ Express Abandonment Request ☐ Information Disclosure Statement ☐ Certified Copy of Priority Document(s) ☐ Reply to Missing Parts/ Incomplete Application ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53	☐ Drawing(s) ☐ Licensing-related Papers ☐ Petition ☐ Petition to Convert to a Provisional Application ☐ Power of Attorney, Revocation Change of Correspondence Address ☒ (2) Terminal Disclaimer(s) ☐ Request for Refund ☐ CD, Number of CD(s) _____ ☐ Landscape Table on CD	☐ After Allowance Communication to TC ☐ Appeal Communication to Board of Appeals and Interferences ☒ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) ☐ Proprietary Information ☐ Status Letter ☒ Other Enclosure(s) (please identify below): Facsimile Transmission
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Patterson & Sheridan, LLP		
Signature			
Printed Name	Kin-Wah Tong, Esq.		
Date	September 11, 2006	Reg. No.	39,400

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Signature			
Typed or printed name	Tara Carter	Date	September 11, 2006

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PAGE 3/5 * RCVD AT 9/11/2006 5:04:02 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-2/9 * DNIS:2738300 * CSID:732 530 9808 * DURATION (mm-ss):02-44

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NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) YOR920030431US1	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)) on <u>September 11, 2006</u> Signature <u>[Signature]</u> Typed or printed name <u>Tara Carter</u>		In re Application of Hendrik F. Hamann, et al. Application Number 10/686,216 Filed October 15, 2003 For METHOD AND APPARATUS FOR FORMING LATERAL ELECTRICAL CONTACTS FOR PHOTONIC CRYSTAL DEVICES Art Unit 2883 Examiner Hughes, James P.	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00 ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____ ☐ A check in the amount of the fee is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0510</u> . I have enclosed a duplicate copy of this sheet. ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the ☐ applicant/inventor. ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) ☒ attorney or agent of record. Registration number <u>39,400</u> . ☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____		<u>[Signature]</u> Signature Kin-Wah Tong, Esq. Typed or printed name (732) 530-9404 Telephone number September 11, 2006 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☐ *Total of _____ forms are submitted.

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